

## CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 1/26/17	NEED RESPONSE BY: 2/10/2017
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: San Joaquin County Human Services Agency	
3. PHONE NO.:	7. SUBJECT: OI Recoupment Timing	
4. REGULATION CITE(S): MPP 63.801-737; 63-801.441	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s).  ACL 12-25	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Scenario: A HH with a SAR 7 due in January has a previously assessed OI, but had not begun recoupment as they were waiting for the beginning of the payment period (Feb) as required by MPP 63-801.737. The Client submits their complete January SAR7 on February 5 (late). The client will receive prorated benefits for February.

Questions:

- 1) Because February was the beginning of the payment period, but we were unable to give 10 days notice due to no SAR7, can the recoupment begin in March?
- 2) If "No" to Question #1 - Then, should the CWD run benefits for Feb in early January, despite no SAR7, in order to provide notice that their benefits would be lowered by \$X and begin the recoupment; AND would this notice be valid if issued after the Balderas notice that states that is they must submit their SAR7 report to continue to receive benefits?

10. REQUESTOR'S PROPOSED ANSWER:

CWD cannot begin OI recoupment in March since it is not the beginning of the payment period. CWD should run benefits and issue a notice of action informing the client that their benefits will be lowered before the Balderas notice is sent. If after the Balderas notice is sent, the notice to begin the recoupment should also include verbiage that the SAR7 is also due.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

In this scenario, the report period starts in February. Recoupment would begin in February based on previous OI amount calculation. The form CF 377.7B or CF 377.7D would be issued in January along with a CF 377.7E1 (repayment agreement) in preparation for February recoupment start. Recoupment would be based upon the repayment agreement and the last period's benefits if no new information was available. Once the late SAR 7 was turned in, recoupment would be re-evaluated based upon any change in benefit levels.

There would be no reason to delay recoupment.

### FOR CDSS USE

DATE RECEIVED: January 26 2016	DATE RESPONDED TO COUNTY/ALJ: February 24, 2017 Updated April 20, 2018 (WEB)
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